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SEP 26 2003

OFFICE OF PETITIONS

In re Application of
Connolly et al.
Filed: June 18, 2001
Attorney Docket No. P66063USO
Title: THERAPEUTIC BED

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: DECISION ON
: PETITION
:

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.47 TO ACCEPT INVENTORSHIP DECLARATION OR UNDER 37 CFR 1.183 TO SUSPEND OR WAIVE THE REQUIREMENT OF A SUPPLEMENTAL DECLARATION UNDER 37 CFR 1.67," filed July 22, 2002, and resubmitted June 16, 2003. This petition is properly treated as a petition under § 1.183 for waiver of the requirement that a supplemental declaration required pursuant to § 1.67(b) be executed by all of the inventors.

The above-identified application was filed on June 28, 2001¹. An original declaration filed June 28, 2001 and executed by inventor Chinnathamby Vijayendran and legal representative Una Connolly was accepted under 37 CFR 1.42 (Decision mailed March 8, 2002). On July 22, 2002, applicants filed a supplemental declaration executed by legal representative Connolly on behalf of herself and on behalf of non-signing inventor Vijayendran. Petitioner states that efforts to locate inventor Vijayendran and obtain his supplemental signature were not successful.

Waiver of the requirement for the signatures of all of the inventors (and/or legal representatives) on a supplemental declaration is proper, where applicants show that the non-signing inventor (or legal representative) has refused to sign the supplemental declaration, or cannot be found or reached, after diligent effort, to sign the supplemental declaration.

Petitioner has shown that waiver of the requirement that the supplemental declaration be executed by all of the joint inventors is justified. The instant petition includes adequate proof that either the non-signing inventor refuses, by his conduct in not responding², to sign the supplemental declaration,

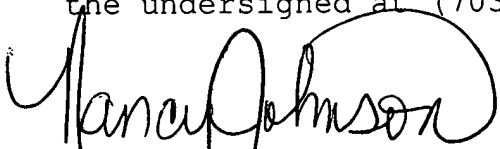
¹ The date the application met the requirements of 35 U.S.C. 371.

² The petition includes evidence that the Express Mail package containing the supplemental declaration was received by inventor Vijayendran, as it was signed for by a person named Vijayendran on FEDEX delivery to the

or cannot be reached, after diligent effort; an acceptable declaration as required by 37 CFR 1.63; a statement of the last known address of the inventor Vijayendran; as well as, payment of the petition fee.

The application file is being returned to Technology Center 3673 for action by the examiner.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.

A handwritten signature in cursive script, reading "Nancy Johnson". The signature is written in dark ink and is positioned above the printed name and title.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

last known address.